

**PRELIMINARY AMENDMENT IN REISSUE APPLICATION AND
STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES TO THE CLAIMS
Attorney Docket No. 1/1237,1149 R**

REMARKS

This reissue application is being diligently filed to correct an error which may bear on the validity of the patent (U. S. Patent No. 6,585,959 B2). More specifically, this preliminary amendment amends the claims of the patent in the following manner:

- (a) Claim 1 is amended,
- (b) Claim 2 is canceled, and
- (c) New claims 16-35 are added.

All of these changes are intended to correct errors in the claims of the patent that arose through inadvertence and without deceptive intent. This reissue application has been filed because it is unclear whether a Certification of Correction could have been used to claim the full and proper scope of the invention as originally conceived.

Furthermore, the reissue claims may be broader in certain aspects and narrower in others over the patent, but as indicated, the application is timely filed, and no recapture of canceled subject matter is sought.

The reasons for amendments a-c, above, is discussed in detail below.

Amended Claim 1

Claim 1 (as presented in U. S. Patent No. 6,585,959 B2) is the only independent claim in the patent. As such, it forms the basis for all other claims presented in the patent, and in this reissue application.

The patent claims priority to two earlier filed German language texts, a translation of which forms the basis of text of the patent. In the course of combining and translating the two German language texts for filing in the United States Patent and Trademark Office, claim

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1, and only claim 1, emerged with the term “distribution” after “particle size” (Note that claim 12 as originally filed, and dependent on claim 1, recited “average particle size”).

Accordingly, applicants hereby conform the language of claim 1 to the other claims in the patent, without adding new matter. As noted above, the replacement of the term “particle size distribution” as the relative measure of the particles with the term “average particle size” as the relative measure of the particles may or may not broaden the scope of claims. Nevertheless, as applicants have timely filed this reissue application and do not seek recapture of lost subject matter, claim 1, as amended, should be granted by reissue.

Cancelled Claim 2

As discussed above, cancellation of claim 2 herein merely affirms for the record applicants’ voluntary cancellation of that claim during the prosecution of the patent (see amendment filed on March 14, 2003).

New Claims 16-35

This reissue application adds 20 new claims to the reissue application (claims 16-35). The subject matter of the new claims is fully supported in the specification as filed (see pp. 6-7, supra). Moreover, each of the new claims is directly or indirectly dependent on claim 1, the only independent claim in the patent, and each incorporates all of the process limitations of claim 1 therein.

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In light of the above amendments and remarks, applicants respectfully request early and favorable action and grant of reissue.

Respectfully Submitted,

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